

1 2(d), the failure of a moving party to file points and authorities in support of the motion constitutes a
2 consent to the denial of the motion. The Court will therefore deny Plaintiff's motion for proof of
3 agency.

4 **II. Motion to Strike**

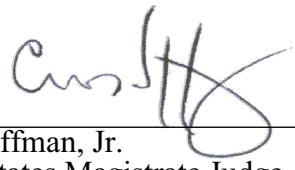
5 Plaintiff's document entitled "Affidavit In Support Of Striking Pleadings of Defendants"
6 requests an order from the Court to "strike the pleadings of Defendants." Based on a review of
7 Plaintiff's document, it appears that he is referring to Defendants' response to Plaintiff's motion to
8 provide proof of agency. The Court will therefore construe Plaintiff's document as a motion to strike
9 Defendants response (ECF No. 63).

10 Under Federal Rule of Civil Procedure 12(f), the Court may strike pleadings that are
11 redundant, immaterial, impertinent, or scandalous. Plaintiff's motion alleges that Defendants'
12 response is scandalous and impertinent, but does not specify what aspects of the response are flawed.
13 Instead, Plaintiff discusses allegations against Defendants themselves, which are not pertinent to
14 Defendants' response. Plaintiff only briefly addresses the substance of Defendants' response,
15 arguing that based on *Hilyar v. Union Ice Co.*, Defendants' claim that they do not have to provide
16 proof of agency is "absolutely ludicrous and should be struck for that reason alone[.]" Again, the
17 Court does not find that the *Hilyar* case is binding, or even applicable, to the facts of this case. The
18 Court will therefore deny the motion to strike.

19 IT IS THEREFORE ORDERED that Plaintiff's motion to provide proof of agency (ECF No.
20 62) is DENIED.

21 IT IS FURTHER ORDERED that Plaintiff's motion to strike (ECF No. 66) is DENIED.

22 DATED: March 1, 2018

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26 C.W. Hoffman, Jr.
27 United States Magistrate Judge
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